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COMMITTEE ON THE RIGHTS OF THE CHILD

Eighteenth session

SUMMARY RECORD OF THE 458th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 20 May 1998, at 3 p.m.

Chairperson: Mr. KOLOSOV

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The meeting was called to order at 3.20 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Democratic People's Republic of Korea (CRC/C/3/Add.41; CRC/C/Q/DPRK/1)

1. At the invitation of the Chairperson, the members of the delegation of the Democratic People's Republic of Korea took places at the Committee table.

2. Mr. JO Sung Ju (Democratic People's Republic of Korea) said that his country, reflecting the philosophy of President Kim Il Sung, had in the past overcome great difficulties in order to protect the rights of children. The first major initiative in that area, taken in 1946 a year after North Korea's liberation, had been the adoption of a decree establishing a new system of education that had for the first time enabled all Korean schoolchildren to learn about their country's history, in their own language.

3. Through unceasing effort, the Government had ensured that children continued to receive an education even through the difficult years of the War of Liberation of the Fatherland from 1950 to 1953. Following the war, many orphanages and schools had been made available to children who had lost their parents, and a system of free universal medical care had been established.

4. The Government continued to place emphasis on children as the future masters of society, and in 1973 the period of free education which every child was required to complete had been extended to 11 years. Subsequently, the Government had enacted the Law on Educating and Rearing Children and the Law on Public Health, and had included children's civil rights in the Civil Code. Thus, when his country had acceded to the Convention in 1990, it had already established the legal and material conditions that enabled it to comply with the Convention, and its philosophy with regard to young people had been basically in accord with the principles and objectives of the Convention.

5. The rights deriving from the Convention were legally guaranteed in his country, and the Government was satisfied that all the material and social conditions were in place for their full implementation. As a result, children constituted a single social grouping in which no one was isolated or made to feel different.

6. Unfortunately, a series of natural disasters in recent years had led to severe reductions in food supplies to large parts of the population, including pre-school and junior-school children. Despite the Government's efforts, the situation in respect of children's nutritional status and the provision of teaching material and medical supplies for children was still far from satisfactory.

7. In their continuing efforts to establish a prosperous and powerful State, the people of his country had taken to heart Kim Jong Il's maxim that "one should live in the future rather than the present". Those who worked with children were particularly conscious of the need to raise more capable future generations as a guarantee of future prosperity. Thanks to the efforts

of its people and the generous assistance and cooperation provided by the international community, notably through UNICEF and UNESCO, his country was gradually overcoming the consequences of its plight.

8. In conclusion, his Government was satisfied with its efforts to implement the Convention to date, and was also convinced of the appropriateness of its measures to assure and promote children's rights for the future.

9. The CHAIRPERSON invited the members of the Committee to put questions relating to general measures of implementation.

10. Mrs. PALME welcomed the progress made in tackling malnutrition, and noted that the Democratic People's Republic of Korea was still seeking further international support in that area, notably in order to establish adequate supplies of clean drinking water. She asked what progress had been made in increasing dialogue and cooperation with appropriate international organizations with a view to resolving the difficulties encountered in improving the country's system of data collection.

11. Mrs. KARP said that the reporting country appeared to assume that the maximum age for a child was 17 years, whereas under the Convention it was 18 years. She asked the delegation to comment on that difference, with particular reference to its impact on statistical data. Secondly, as the report was two years old, she would like to know what steps had been taken in the intervening period to implement article 4 of the Convention, especially in the areas of budgetary allocations and monitoring. Thirdly, she would like the delegation to provide examples of legal decisions taken under the Civil Code in which the Convention had been invoked.

12. Mr. RABAH asked whether it was only governmental organizations which were involved in implementing the Convention, and what coordinating mechanisms were used with the governmental bodies mentioned in the written replies. He would also like to know whether the Government recognized minorities, in view of the fact that in the report the nation was described as a homogeneous body, regardless of factors such as ethnicity and language.

13. Concerning respect for the views of the child, he noted that when a child of more than six years of age was to be adopted, his or her agreement was needed. How did that work in practice? Moreover, according to the Law on Nationality, the nationality of a child could be changed only with his or her agreement. What age limit applied in that case?

14. Mrs. PALME, referring to the previous low child-mortality rate in the Democratic People's Republic of Korea, the current serious malnutrition problem and the resulting high mortality rate, asked whether the Government anticipated having to transfer budgetary resources from other sectors of the economy in order to improve the situation.

15. Mr. HO O Bum (Democratic People's Republic of Korea) said that the activities of the various ministries directly or indirectly concerned with the promotion of children's rights were coordinated by the Administration Council under the supervision of the Central People's Committee. Local people's

committees carried out the same task in the districts. The system functioned effectively and the authorities had therefore decided against creating a new independent body to coordinate the implementation of the Convention. There was, however, a need for closer cooperation, particularly between the State Education Commission and the Ministry of Health, in the collection of data concerning the situation of children. In the past, they had tended to work in isolation, but he was hopeful that with the assistance of UNICEF and other international bodies the problem would be overcome.

16. He saw no inconsistency between his country's civil law, which set the age of majority at 17, and the provisions of the Convention, it being clearly stated in article 1 of the latter that majority was attained at the age specified in the law applicable to the child. In the Democratic People's Republic of Korea, young people ended their school studies at the age of 16 and entered into active life at 17, upon completion of one year's vocational training, when they also gained the right to vote and were considered to have full legal capacity. There was broad agreement that they were then sufficiently mature to be treated as adults and to behave accordingly. He had no statistics on the population under the age of 18, since all data had been compiled in accordance with the guidelines on the content of core documents, in which States parties were requested to provide data only on the number of children aged 14 or under.

17. The international instruments to which his country was a party enjoyed the same status as domestic law, and it therefore followed that they could be invoked by the courts. He cited, by way of illustration, a recent case in which a woman had petitioned for divorce. The judge, having sought the views of her children in accordance with article 12 of the Convention, had rejected her petition. The woman had subsequently been reconciled with her husband. Other provisions of the Convention were more difficult to apply since they did not reflect the reality of life in his country, but the authorities were committed to the general principle of respecting the best interests of the child. The Convention was seldom invoked in the criminal courts since minors recognized as having infringed criminal law were ordered to attend social education classes, rather than being prosecuted.

18. There was no legal minimum age for testifying in court, as the quality of a child's evidence was deemed to depend not upon his age, but on such factors as maturity and intelligence. With regard to the annulment of adoptions, children aged six years and over were entitled to express their views and have them taken into account. If the parents of a child aged under 14 changed nationality, the nationality of the child was automatically changed to that of his parents, whereas, if the child was aged 14 or over, no change could be made without his consent.

19. There were a number of NGOs which supported the Government's efforts to implement the Convention. Also, individual citizens might choose to form neighbourhood bodies to that end.

20. Mr. CHAE Ryang Il (Democratic People's Republic of Korea) said that his Government, placing a high value on children as the future of the country, was unstinting in its efforts to ensure their well-being, increasing the budget for children every year despite its financial difficulties. In 1996,

6 per cent of the annual budget had been allocated to health and 6.8 per cent to education, which included procurement of materials, provision of textbooks and school maintenance.

21. Apart from the specific school budget, other education-related activities were funded under items of other State departments, such as capital construction, commercial work, food administration, culture and art. In addition to child-specific State allocations, children also benefited under other categories, so that total expenditure on children accounted for a sizeable proportion of the overall budget. Each child received a total of 7,960 won from the beginning of nursery school to the end of secondary school.

22. The natural disasters that had long been afflicting his country reduced food sully to 100 grams of grain per day, but the Government had very recently decided to maintain the pre-disaster food norm for children aged four and under and mothers with children. While he was unaware of the amount of the intended increase for the near future, the Government's tendency was to upgrade the budget for children.

23. Mr. PARK Dok Hun (Democratic People's Republic of Korea) said that while systems and policies remained unchanged, the decline in actual material support to children since the natural disasters had begun in 1994 had affected pre-school education. By way of example, free lunches and soybean milk provided to all kindergarten children had had to be discontinued. Children were obliged to take their own lunch-boxes. Those who could not afford to went home for lunch and some did not return to school.

24. There had also been a resurgence of previously eradicated diseases. With the 1995 floods, the worst natural disaster to affect the country in 100 years, the Government had been unable to provide the required material support for children at all school levels. However, it had striven to do so to within the limits of its national resources and the funds obtained through international cooperation, by providing emergency rescue teams, helicopters, food and medicines for the afflicted areas. The sheer scale of the disaster had hit not only education but all sectors of the economy: coal mines had flooded, and extensive fertile land covered with sand and stones might never be recovered.

25. In order to provide for the children, its only recourse had been to seek outside assistance for the first time ever. In that connection, he was particularly grateful for the support of the international community as a whole and the international organizations that had supplied food, medicines and other commodities, including UNICEF, the World Food Programme and UNESCO. Happily, the country enjoyed very close cooperation with UNICEF and its Office in the Democratic People's Republic in particular. Acknowledging the presence of that Office's special representative and admitting the difficulty UNICEF encountered in obtaining data, he expressed his country's intention of establishing a national team to monitor key indicators, for which purpose an agreement had already been reached with UNICEF for a multiple-indicator expert-training system. He appealed to UNICEF to provide material assistance as well. While the situation was slowly improving, it was still unsatisfactory and was marked by inadequate nutritious food for children. He

requested the Committee to appeal to the international community for assistance that would significantly contribute to the implementation of the Convention in his country.

26. The CHAIRPERSON invited members' comments and questions on the explanations given by the country representatives, requesting them to cover the definition of the child and the general principles of the Convention at the same time.

27. Mrs. KARP observed that the phrase "children are the future of the country" was a hackneyed, well-meaning but inaccurate slogan. The most innovative aspect of the Convention was that it considered children to be a country's present, who must be catered to as individuals immediately.

28. Concerning the general principles of the Convention, she inquired how the principle that children were not only subjects of care, but subjects of rights with their own individuality and personality, was actually applied in schools, general child policy and public debate, and whether the system allowed children to be heard and encouraged to form their own opinions. To what extent were the principles and provisions of the Convention discussed by the general public? And what were its implications for children's day-to-day life?

29. Monitoring being a prerequisite of evaluation and policy-making, implementation of the Convention did indeed call for statistics. Monitoring was not coordination, but a commitment to re-evaluation. Not being part and parcel of implementation but an instrument for evaluating its effectiveness, it needed to be independent and serve as the watchdog of children's rights, as opposed to an executing agency.

30. She wished to know what was being done to enable professionals, such as judges, law-enforcement officers and social workers, to acquire real understanding of the Convention so that they could apply it to their work. Technical assistance to that end could perhaps be supplied by UNICEF or other international organizations.

31. Observing a contradiction between claims that the budget was constantly growing and the fact that the pre-disaster situation had still not been restored, she sought a commitment to that end from the delegation. In the interest of maximization of effort and in the light of article 4 of the Convention, she invited the delegation to formulate any further technical-assistance needs that could be met by the international community.

32. Mrs. PALME said that since food-production and potable-water problems were likely to persist, possibly what was needed was a new system to address the problem rather than assistance. It would be useful to know whether, failing the possibility of harnessing new resources, consideration was being given to reallocating funds accordingly in order to protect children and whether, given the dearth of resources, adequate care and food could be provided for disabled children.

33. Mrs. KARP, while understanding that the delegation should invoke article 1 of the Convention to justify 17 as the age of majority, nonetheless

wondered whether, in the spirit of the Convention, the delegation did not consider that denial of protection up to the age of 18 was a violation of children's rights. She asked if, in practice, the views of children were given due weight when they testified in court.

34. Mr. RABAH inquired about the existence of a private sector in the Democratic People's Republic of Korea. Was there any cooperation between the private and public sectors? How were the activities of both sectors coordinated? What was the minimum age for marriage, civil capacity, criminal responsibility and military service?

35. Mr. HO O Bum (Democratic People's Republic of Korea) explained that, in his country, a child was regarded as a subject with rights who needed love. Children were therefore treated as valued, dignified human beings. Since the training of professionals was indeed an important issue, legal officers, educationalists, medical staff and social workers were instructed in the spirit of the Convention. Legal officers compared that instrument with legal theory and the articles of the Convention were analysed in lively debates. Teachers and doctors attended regular courses on the rights of the child and the Convention also formed part of initial teacher-training programmes. Disabled children were given equal opportunities as a matter of principle, but they also needed special education and medical care, so they were afforded extra protection and assistance.

36. In court, judges and public prosecutors could take evidence from children, without any restrictions, at all stages of criminal proceedings. Nevertheless, children's testimony was valid only if it was corroborated by other sources.

37. The ages pertaining to the definition of a child differed from one set of legislation to another. Under civil law, children attained their majority at 17, although some instances a young person acquired civil capacity as from 16. Under family law, the minimum age for marriage was 18 for boys and 17 for girls. The disparity stemmed from cultural traditions and attitudes. In fact, people rarely married in their teens. The minimum age for employment was 16, when youngsters finished their free, compulsory schooling. They then spent an average of one year on vocational training before embarking on their chosen occupation. That meant that they did not actually start work until they were 17, i.e. until they were adults. Criminal responsibility commenced at 14, but in reality no minor was ever tried before a criminal court, because a community education order was enforced at the pre-trial stage. The minimum age for military service was 17. After school and vocational training, young persons could volunteer to join the army, but as they had to meet high standards of physical fitness and development, they were often over 18 before they were allowed to start active service.

38. The term "private sector" was a strange, new concept for him. In his country, various government ministries cooperated closely with other public agencies in the youth sector.

39. Mr. PARK Dok Hun (Democratic People's Republic of Korea) replying to Mrs. Karp, said that his country craved technical assistance. It welcomed the training it had received in the preparation of reports on compliance with

international human rights instruments, since it had no experience in the matter and the way it collected data deviated from international standards.

40. Mr. CHAE Ryang Il (Democratic People's Republic of Korea) thanked the Committee for its comments. His country's economic plight, due to a series of natural disasters, was making implementation of the Convention extremely difficult. Large quantities of food, medicine and paper for textbooks were necessary in order to secure children's health and education, and indeed to save their lives. His Government was directing as many of its scarce resources as it could to meeting the needs of children and had appealed to the international community for help in that respect. When aid was provided, it was distributed to children first and foremost. It was, however, currently impossible to reallocate budgetary resources. Once funds became available, his Government and the people of his country were committed to apportioning more supplies to children, who were cherished individuals.

41. Mrs. KARP said that she had not received an answer regarding the protection of 17 and 18-year-olds in the juvenile justice system. Pointing out that adults could commit perjury, she saw no particular reason to distrust the evidence given by children. It was a myth that children were unreliable witnesses. Had the Convention been debated in public? Did parents really accept the idea that they should hold a dialogue with their children? What was the attitude of teachers to rebellious pupils? Did they acknowledge pupils' rights in practice?

42. Mrs. PALME requested more information about the integration of disabled children in society.

43. The CHAIRPERSON drew attention to the fact that the goal of the Convention was to achieve the integration of disabled children in society to the fullest possible extent and that the establishment of special schools did not necessarily serve that purpose.

The meeting rose at 6 p.m.